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FILE NO. 100-4410
(11-1-68)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA
ex rel. Kenny Loughner

Plaintiff,

v.

**EMH Regional Medical Center,
North Ohio Heart Center, Inc.,
Dr. Charles O'Shaughnessy and
Dr. Naim Farhat**

Defendants.

Case No. 06-CV-2441

Judge Patricia A. Gaughan

FILED UNDER SEAL

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the December 14, 2012 Settlement Agreement among the United States, Relator Kenny Loughner, and defendants EMH Regional Medical Center (EMH), North Ohio Heart Center, Inc. (NOHC), (the “Settlement Agreement”), the United States and Relator hereby stipulate, through their undersigned counsel, to the entry of an order (1) dismissing with prejudice all claims asserted on behalf of the United States against EMH, NOHC and Drs. O’Shaughnessy and Farhat concerning the Covered Conduct as

defined in Recital Paragraph E of the Settlement Agreement; (2) dismissing with prejudice as to Relator and without prejudice as to the United States all other claims asserted on behalf of the United States; and (3) dismissing with prejudice all claims asserted on behalf of Relator for attorneys' fees under 31 U.S.C. § 3730(d).

Relator, on behalf of himself, his heirs, successors, attorneys, agents, and assigns, stipulates that the Settlement Amount set forth in the Settlement Agreement and the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that he will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that he expressly waives the opportunity for a hearing on any objection to the settlement under to 31 U.S.C. § 3730(c)(2)(B).

The United States requests that the Complaint, the United States' Notice of Intervention, and this Stipulation of Dismissal be unsealed and that any pleadings filed thereafter in this matter not be sealed absent further order of the Court. The United States further requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. A proposed order is attached for the Court's convenience.


Respectfully Submitted,

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